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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/720,693 10/02/96 KAO

D 11675.107

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EXAMINER

FOURSON III, G

ART UNIT

PAPER NUMBER

2823
DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/720,693

Applicant(s)

KAO ET AL.

Examiner

George Fourson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 34-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This office action is made non-final in view of the inadvertent omission of rejection of claim 33 in the statements of the rejections in the office action mailed 3/13/01 and the resulting new grounds of rejection of claim 33 below.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6,11,13,14,15,16,17,20,21,24,26,29,30,31,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 62-48028 in view of Wolf, Vol.1, pp.323 and 324.

The rejection is maintained as stated in the paper mailed 3/13/01.

Applicant contests the statement that Japan '028 discloses that field oxidation can be performed after removal of the pad oxide 2 in the field region. However, figures 2a-2d clearly depict such a step as being useful. The disclosure of disadvantages is a disclosure that the process is useful although has disadvantages.

It is not necessary that Wolf disclose implanting without the presence of surface layers and such a teaching is not relied on in the statement of the rejection above. Motivation has been provided above for removal of the pad oxide 2 in the field region.

The combination would successfully accomplish the effects of the claimed methods because the same materials would be treated in the same manner as in the instant invention.

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If applicant is arguing that the results of employing the oxide layer are obtained without employing the oxide layer it is applicant's burden to establish this as valid. It is not the burden of the examiner to establish that the results are not obtained. It is sufficient that motivation has been provided to perform a process encompassed by the instant claims.

Claims 7,8,9,10,22,23,32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '028 in view of Wolf, Vol.1, pp.323 and 324 as applied to claims 1-6,11,13,14,15,16, 17,20,21,24, 26, 29, 30 ,31,45 and 46 above, and further in view of Japanese Patent 63-300526.

The rejection is maintained as stated in the paper mailed 3/13/01. The choice of particular opening size between the spacers would have been a matter of routine optimization to achieve a particular desired device density and degree of isolation on the finished wafer.

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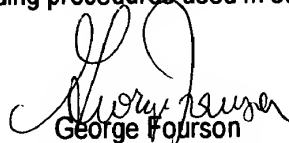
Claims 12,18,19,24,25,27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent '028 in view of Wolf, Vol.1, pp.323 and 324 as applied to claims 1-6,11,13,14,15, 16,17, 20, 21, 24,26,29,30 ,31,45 and 46 above.

The rejection is maintained as stated in the paper mailed 3/13/01.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703)308-7722(7724,3431 and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.


George Fourson
Primary Examiner
Art Unit 2823

GFourson
August 21, 2001